

Alliance Point 9: Increase the abilities of our democratic institutions to attack and root out the corrupting influence of the illegal drug trade in both countries.

ACTION	BASELINE As of 1 Feb 98	TARGET	MEASUREMENT	STATUS As of 31 Aug 99
<p>9.1. The Governments of Mexico and the U.S. will work to ensure ratification by the congresses of the two nations of the Inter-American Convention Against Corruption, adopted in May 1996 by the OAS.</p>	<p>Mexico signed the Convention on the 29th of March of 1996. It was approved by the Senate of the Republic on the 30th of October of 1996 and promulgated by Executive Decree published in the Official gazette of the Federation on the 9th of January of 1998.</p> <p>Moreover, Mexico signed the Convention on Bribing Foreign Public Servants in International Commercial Transaction, in Paris, France, on the 17th of December of 1997.</p> <p>In order to implement the adopted obligations to honor these international instruments, the Mexican Federal Executive sent to the Congress a bill of reforms to the Federal Penal Code, to criminalize the bribing of foreign public servants.</p>	<p>Ratification of the Convention.</p> <p>Support for the entry into force of the Convention.</p>	<p>Ratification of the Convention.</p> <p>Entry into force of the Convention.</p>	<p>Mexico signed the Convention on March 29, 1996. It was approved by the Senate of the Republic on October 30, 1996, and promulgated by official decree published in the “Diario Oficial de la Federación” on January 9, 1998.</p> <p>The U.S. signed the Convention and submitted it to the U.S. Senate in May 1998 for advice and consent.</p> <p>The U.S. has vigorously promoted ratification of the OAS Corruption Convention; ratification of the Convention is a priority matter for the U.S. Executive branch before the Senate Foreign Relations Committee. Ratification of the Convention figured prominently in the Vice-President’s speech before the February 1999 international convention on corruption.</p> <p>The U.S. proposed an ultimately successful resolution at OAS in June 1999 to revive the Legal Commissions Working Group on Probity to explore a follow-up mechanism for the Convention. The U.S. supports the creation of a follow-up</p>

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9.1 (Con't)				<p>mechanism that would greatly strengthen the Convention and ensure more effective implementation.</p> <p>USAID has provided funding to the OAS to hold seminars for countries that have become parties to the Convention to ensure that national laws are in conformity with the Convention of February 1999.</p> <p>The U.S. and Mexico have become parties to the OECD Convention on Bribery regarding Foreign Civil Servants in International Commercial Transactions signed in Paris, France, on December 17, 1997. The Senate of each country approved the Convention.</p> <p>Currently, Mexico and the U.S. participate in the multilateral evaluating process regarding the execution of the OECD Convention on Bribery regarding Foreign Civil Servants in International Commercial Transactions.</p> <p>In order to implement the obligations acquired to comply with these international instruments, the Mexican</p>

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9.1 (Con't)				<p>Federal Executive sent to Congress a project on reforms to the Federal Criminal Code, in order to penalize the bribery in foreign civil servants.</p> <p>The reforms promoted by the Federal Executive were approved by the Union Congress and published in the "Diario Oficial de la Federación" on May 17, 1999.</p>

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<p>9.2. The Governments of Mexico and the U.S. will continue developing specific programs to strengthen their justice and law enforcement systems.</p>	<p>The U.S. has established multi-agency border corruption task forces and working groups along the Southwest Border to ensure appropriate operational and intelligence coordination of anti-corruption efforts, and has recently sponsored a training conference specifically designed for U.S. law enforcement agents and prosecutors working on Southwest Border corruption cases. In addition, all newly hired DEA special agents receive a minimum of 17 hours of instruction in ethics, integrity and standards of conduct during their 16-week Basic Agent Training Course. DEA agents continue to receive ethics and integrity instruction throughout their careers. Similarly, all newly hired USCS agents receive an 8 hour block of instruction in corruption prevention during their attendance at the Federal Law Enforcement Training Center.</p> <p>Mexico has established various programs for the strengthening of the country's criminal law enforcement system including a selection process for hiring and retention of all PGR personnel.</p>	<p><u>U.S.</u> Ensure existing training programs include anti-corruption components; ensure all new personnel receive anti-corruption training; provide at least three courses on combating/deterring corruption.</p> <p><u>Mexico</u> Strengthen the administrative procedures for the removal of bad elements and reinforce the areas dealing with the ongoing evaluation of public servants.</p>	<p>Existing courses reviewed and updated as necessary; number of new personnel trained; at least three anti-corruption courses offered.</p> <p>Complete the legal reform and the structure of the areas responsible for the evaluation of public servants.</p>	<p>The DOJ Office of Inspector General conducted 48 training sessions on Integrity Awareness attended by 1,314 INS employees in FY 1998.</p> <p>The Federal Executive elaborated the initiative of Constitutional Reform to article 123, section B, XIII fraction, which was approved by the Congress of the Union and most of the legislatures of the States, and published in the Official Newspaper of the Federation on March 8th of 1999 and has the following objectives:</p> <ul style="list-style-type: none"> • To facilitate the legal procedures for removing elements from police forces, when they do not comply with the permanence requisites established by the laws in force at the time of their removal; • To prevent the re-assignment of police elements removed from their positions, and • In due case, to provide compensation to removed elements.

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9.2 (Con't)	<p>On May 2, 1997, the PGR established a Confidence Control Center to carry out vetting so as to detect staff reliability, particularly those who take part in the fight against drug trafficking. These vetting procedures include medical, toxicological, psychological examinations, investigation into family background and financial situation and, for the first time in Mexico, the systematic use of the lie detector or polygraph.</p> <p>All federal prosecutors and Federal Judicial Police agents receive initial and updating training, covering legal, technical and other relevant operational matters at the INACIPE and at the Training Institute of the PGR.</p>	Continue implementation of the vetting program for PGR personnel.		<p>The Attorney General established the Confidence Control Center since May 2, 1997, and it has been vetting personnel since then.</p> <p>PGR will continue their vetting program. PGR has intensified its fight against corruption, by imposing administrative and criminal sanctions against civil servants that have incurred irregularities while performing their functions. (See 9.3).</p> <p>The Confidence Control Center was strengthened through the reform to the Regulations of the Organic Law of the Attorney General's Office, published in Mexico's <i>Diario Oficial de la Federación</i> on July 21, 1999, by which it is considered a PGR centralized administrative unit. The personnel revision programs are applied on a permanent basis, through periodical evaluations. Legal norms strengthened such programs.</p> <p>The Confidence Control Center continues the vetting of prospective PGR employees. Since May 1998 and through October 1999, a total of 2911</p>

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<p>9.3. Each country will develop and maintain a program to detect and follow-up cases of corruption involving authorities responsible for the fight against drug trafficking.</p>	<p>See 9.2</p> <p>The U.S. has well-established screening and monitoring systems for personnel in sensitive positions. Offices of Professional Responsibility and Inspectors General investigate corruption and other potential abuses. For example, in 1996, the DEA Office of Professional Responsibility concluded 382 investigations, and found credible evidence of misconduct in 94 matters, resulting in disciplinary action taken against 109 employees.</p> <p>Mexico has also developed an integrated anti-corruption program within the PGR. For example, from December 1996 to November 1998, the PGR's internal affairs office dismissed 90 federal prosecutors and 383 federal judicial police agents involved in corrupt actions.</p>	<p>See 9.2</p> <p>Follow up on credible allegations of corruption or other abuses of authority; ensure disciplinary action is taken in all proven cases; increase staffing and resources to internal affairs teams/investigations; establish interagency program to follow up on alleged corruption.</p>	<p>Number of drug-related corruption investigations conducted by federal agencies; number and type of disciplinary actions; number of prosecutions; number of convictions; change in level and staffing for OIG units.</p>	<p>DEA's Office of Professional Responsibility opened 229 investigations in FY 1998. These investigations include allegations of:</p> <ul style="list-style-type: none"> • conduct unbecoming, • failure to follow instructions, • unauthorized disclosure of information, • falsification of official records, • poor judgment, • arrest, theft and alcohol-related incidents <p>In February 1998, 32 investigations on alleged criminal conduct were completed. In that same month, DEA closed 275 investigations, which resulted in:</p> <ul style="list-style-type: none"> • 96 clearances • 104 cautions • 23 reprimands • 47 suspensions • 12 dismissals, and • 3 negotiated agreements <p>The follow-up on accusations in corruption cases is realized through the PGR Internal Affairs and the Inspector General Office.</p>

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9.3 (Con't)				<p>The Inspector General is in charge of the PGR's Special Prosecutor's Office for Crimes Committed by Civil Servants, which starts investigations on Federal Public Prosecutors, Federal Judicial Police agents and Experts that have committed irregularities while performing their functions.</p> <p>Besides, the Inspector General Office has the General Offices for Visits and Inspections, which perform periodical inspections to the various PGR administrative units in all the national territory.</p> <p>The Attorney General established the guidelines A/028/99 for regulating visits for inspection, supervision and verification.</p> <p>The Secretariat of Finance and Public Credit (SHCP) authorized the structure of the Confidence Control Center with 55 new positions, which means that these will be an increase in personnel dedicated to vetting procedures.</p>

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9.3 (Con't)				<p>PGR, through its Internal Affairs Office, has imposed the following administrative sanctions: (current administration, figures updated as of August 4, 1999).</p> <ul style="list-style-type: none"> • Dismissals 588 • Disqualifications 464 • Dismissals and disqualifications 210 • Warnings 731 • Disciplinary measures 83 • Suspensions 604 <p>The Professionalization Council (January 2, 1998, to June 1999) has processed 561 files, from which it has decided on the dismissal of 313 PGR public servants.</p> <p>Furthermore, during the current administration, criminal action has been taken against 83 Public Ministry agents (AMP) and 247 Federal Judicial Police agents (PJF).</p>

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<p>9.4. The Governments of Mexico and the U.S. will strengthen their procedures for safeguarding sensitive information exchanged between governments.</p>	<p>Information exchanged through a variety of formal (e.g., MLAT) and informal (e.g., liaison officers) channels. Sensitivity of the information shared depends on the security systems for safeguarding information of the receiving agency in the other country.</p> <p>In February 1998, insufficiently developed procedures existed for safeguarding sensitive information exchanged.</p> <p>Secure communications systems have been established for the transmittal of sensitive information. Where information appears to have been compromised or may be at risk, the governments inform one another -often orally and at very senior levels.</p>	<p>Elimination of compromises of information.</p> <p>Mexico has introduced legislation to criminalize compromises of sensitive information.</p> <p>Create a mechanism/procedure to reduce time in alerting other government of possible threats to security; install a secure AG to AG phone line; respond positively to requests for special security treatment for information provided.</p>	<p>Instances where information is compromised.</p> <p>Mechanism/protocol established; installation of secure phone line; institution of appropriate safeguards when confidentiality is requested.</p>	<p>In Mexico, through reform to the Federal Criminal Code published in the <i>Diario Oficial de la Federación</i> on May 17, 1999, the act of providing confidential documents or information on criminal cases to unauthorized individuals was codified as a crime, punishable by 4 to 10 years imprisonment.</p> <p>Additionally, the Federal Code of Criminal Procedures states that only the Federal Public Prosecutor, the victim or plaintiff and the defendant or his/her defense counsel may access the investigation files.</p> <p>Currently, the Attorneys General of Mexico and the U.S. have a direct, secure telephone line for an immediate exchange of information.</p> <p>FEADS and CENDRO have encrypted telephone lines and other systems that allow for a secure exchange of information.</p>

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<p>9.5. The Governments of Mexico and the U.S. will exchange information on current national programs, regulations, procedures and techniques to prevent, identify, and combat cases of corruption in government institutions, implementing the appropriate security systems when the risks of corruption are identified.</p>	<p>Information has been exchanged on national anti-corruption programs, laws and experiences via our training and technical assistance programs, through presentations at meetings of the High Level Contact Group and the Senior Law Enforcement Plenary and also through interaction between law enforcement personnel.</p>	<p>Inform the other government of changes in national programs, regulations, procedures and techniques to prevent, identify, and combat cases of corruption in government institutions.</p> <p>Implement or enhance anti-corruption security systems.</p>	<p>Information exchanged.</p> <p>Security systems established.</p>	<p>Information exchanges continue through the venue of the Senior Law Enforcement Plenary and the HLCG.</p> <p>Mexico – Reforms to the Political Constitution of the Mexican United States, the Federal Criminal Code and the Federal Code of Criminal Procedures, as well as the ratification of the OCDE Convention on Bribery regarding Foreign Civil Servants in International Commercial Transactions, were shared with the U.S. through the Senior Law Enforcement Plenary in a timely fashion.</p> <p>U.S. - No new anti-corruption security systems enhanced.</p>

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<p>9.6. The Governments of Mexico and the U.S., to avoid compromising investigations and judicial proceedings on corruption, will consider the need to engage in consultations prior to the exchange of information in such cases, in order to guarantee the confidentiality of the shared information.</p>	<p>Exchanges of information about ongoing corruption are highly limited due to the precautions that must be taken. Information relating to ongoing anti-corruption cases or other sensitive investigations is only shared after careful internal review and after consultation with senior-level officials from the other government.</p> <p>In the Brownsville Agreement between the Attorneys General of the U.S. and Mexico, they recognized that actions carried out in their respective territories could have a significant impact on the other, such that they agreed that when possible and useful, to carry out consultations with regard to such activities.</p>	<p>Conduct consultations and exchanges regarding corruption with necessary safeguards in place to ensure confidentiality.</p>	<p>Confidentiality maintained.</p>	<p>Both countries shall work on the development of bilateral public information campaigns.</p> <p>Both governments understand and recognize their obligations under the Brownsville, Texas Letter and the Mérida MOU, and operate in compliance with both.</p>

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<p>9.6.1 Both governments will make every effort to ensure that any information released to the media, congress, or the public is accurate. To the extent possible consistent with domestic law and in consideration of exigent circumstances, each government will seek to inform the other of pending releases of information that might affect an ongoing investigation or cooperative effort.</p>	<p>Occasional advance coordination or information regarding impending releases between the two governments. Most frequently, this has been accomplished through informal channels, such as phone calls between senior officials or liaison officers.</p> <p>See 9.6</p>	<p>Inclusion of component on corruption in bilateral public information campaign; establish a procedure for notification in advance of public disclosure.</p>	<p>Establishment and use of a procedure.</p>	<p>Both countries are conducting information exchange through communications among high level officials.</p> <p>Attorneys General agreed on procedures for exchange of secure information.</p>

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<p>9.7. The Governments of Mexico and the U.S. will seek to sensitize key private industry sectors to the risk of infiltration by criminal elements seeking to obtain valuable information, to conceal the proceeds of drug trafficking, or to facilitate smuggling activities.</p>	<p>On the U.S. side, many industries have become aware of these threats as the USG has increased reporting or controls (e.g., chemicals/money laundering), or through the IEEPA program or fines incurred when drugs are found hidden in vessels, aircraft, or containers.</p> <p>The PGR has developed a program to sensitize commercial entities in airports, railroads, and ports.</p> <p>The Government of Mexico has carried out consultations with financial institutions and transportation companies to urge the implementation of specific programs that permit them to prevent the infiltration of criminal organizations in their activities.</p>	<p>Provide minimum of two public information or outreach programs to industries most at risk. Seek to build public/private cooperation where legitimate industries work with governments to prevent exploitation by criminals.</p> <p>Broaden consultation with the principal private sector susceptible to penetration by criminal organizations, by July of 1999.</p>	<p>Cooperation established.</p> <p>Evaluation of program results.</p> <p>Number of commercial entities participating in consultations.</p>	<p>SHCP and PGR's Money Laundering Unit have participated in various fora aimed at the prevention of money laundering. FEADS carries out a constant awareness campaign with freight companies.</p> <p>The U.S. Customs Service continues to encourage the participation and cooperation of the private sector to help prevent narcotics smugglers from infiltrating the international commercial environment. Businesses participating in the Land Border Carrier Initiative Program (LBCIP), Business Anti-Smuggling Coalition (BASC), and Americas Counter Smuggling Initiative (ACSI) agree to improve corporate security practices in striving to prevent narcotics from being placed within legitimate cargoes and conveyances.</p>

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<p>9.8. To the extent possible, the governments will seek to root out such corruption through both legal and regulatory means including through the rigorous application of penalties and sanctions authorized by law.</p>	<p>The U.S. has a broad range of legal and regulatory range of measures to address corruption or other abuses of authority, which are applied rigorously when corruption is proven.</p> <p>During recent years, Mexico has developed an improved regulatory and administrative framework to prevent and punish corruption</p> <p>In December 1997, the Federal Executive presented a reform initiative of article 123, part B, section XXIII of the Mexican Constitution, which was approved by Congress and the majority of state legislatures. The reform initiative proposes to eliminate the possibility for agents of the Judicial Police involved in corruption, to resort to legal technicalities to be reinstated in their jobs.</p>	<p>Reduce compromise of personnel and information.</p> <p>Increase in awareness among personnel of the problem and readiness to report suspicious activities and deter criminal behavior.</p> <p>Prevent, detect and penalize any possible act of corruption in the steps involved in the fight against drug trafficking.</p> <p>Apply the constitutional reforms proposed by the Executive.</p>	<p>Number of suspicious activities reports, corruption investigations, corrective actions taken.</p> <p>Creation/intensification of awareness programs.</p> <p>Number of personnel provided orientation on reporting suspicious activities.</p>	<p>See 9.4.</p> <p>See 9.2.</p> <p>See 9.2. & 9.3.</p> <p>Constitutional reforms are currently applied.</p>